

**PET**

BRIAN K. TERRY, ESQ.  
Nevada Bar No. 3171  
VICNENT M. GODINHO, ESQ.  
Nevada Bar No. 14205  
THORNDAL ARMSTRONG DELK  
BALKENBUSH & EISINGER  
1100 East Bridger Avenue  
Las Vegas, NV 89101-5315  
Mail To:  
P.O. Box 2070  
Las Vegas, NV 89125-2070  
Tel.: (702) 366-0622  
Fax: (702) 366-0327  
E-Mail: [bterry@thorndal.com](mailto:bterry@thorndal.com)  
E-Mail: [vmg@thorndal.com](mailto:vmg@thorndal.com)  
Attorneys for Defendants,  
Amir Kennedy and Chapar, LLC

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RAYMOND LESTER SMITH, individual,

Plaintiff,

vs.

AMIR KENNEDY, individually, CHAPAR,  
LLC, DOES 1-20 and ROE BUSINESS  
ENTITIES 1-20, inclusive

Defendants.

CASE NO.

**DEFENDANTS' PETITION FOR  
REMOVAL**

Petitioners, AMIR KENNEDY and CHAPAR, LLC, by and through their counsel of record, THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER, respectfully petition the court for an order removing the above-entitled action to the United States District Court and allege as follows:

///

1           1.       The above-entitled action was commenced against the defendant on June 23,  
2 2021, in the Eighth Judicial District Court for Clark County, Nevada, and is now pending in such  
3 Court as Case No. A-21-836815-C. *See* Complaint, attached hereto as ***Exhibit A***.

4           2.       The defendants were served with the Summons and Complaint by service of  
5 process on July 20, 2021, making the instant Petition timely. *See* Affidavits of Service, attached  
6 hereto as ***Exhibit B***.

7           3.       Petitioners are the defendants in the above-entitled action brought by plaintiff.  
8 There are no other named defendants in this lawsuit.

9           4.       Petitioner Chapar, LLC. was a Nevada Limited Liability Company with its  
10 principal place of business in Nevada.

11          5.       Petitioner Amir Kennedy is a resident of Nevada.

12          5.       Plaintiff is a resident of Oklahoma.

13          6.       The above action is an action for damages wherein the amount in controversy will  
14 exceed the sum of \$75,000. In support of this allegation:

15           This case arises out of an alleged car accident in Oklahoma City, Oklahoma on January  
16 11, 2020. In speaking with plaintiff's counsel, the undersigned learned plaintiff underwent a  
17 cervical fusion surgery, and has medical bills in excess of \$120,000.00. If defendant were found  
18 liable, and no other circumstances reduced plaintiff's award below his medical specials,  
19 plaintiff's damages will exceed the sum of \$75,000.

20          7.       There is diversity of citizenship between the plaintiff and defendant and this court  
21 has jurisdiction over the above-entitled action pursuant to 28 USC §1332 and 28 USC §1441.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1           WHEREFORE, Petitioners request that the above entitled action be removed from the  
2 Eighth Judicial District Court, Clark County, Nevada to this Court.

3  
4           DATED this 17th day of August, 2021,

5  
6           THORNDAL, ARMSTRONG, DELK,  
7           BALKENBUSH & EISINGER

8  
9             
10          Brian K. Terry, Esq.  
11          Nevada Bar No. 003171  
12          Vincent M. Godinho, Esq.  
13          Nevada Bar No. 14205  
14          1100 East Bridger Avenue  
15          Las Vegas, NV 89101-5315  
16          Mail To:  
17          P.O. Drawer 2070  
18          Las Vegas, NV 89125-2070  
19          Tel.: (702) 366-0622  
20          Fax: (702) 366-0327  
21          E-Mail: [bterry@thorndal.com](mailto:bterry@thorndal.com)  
22                 [vmg@thorndal.com](mailto:vmg@thorndal.com)  
23          Attorneys for Defendants,  
24          Amir Kennedy and Chapar, LLC  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger and that on this 17th day of August, 2021, I caused to be electronically filed and served a true copy of the attached document upon the following registered filing users pursuant to CM/ECF System set forth in Special Order No. 109 of the United States District Court, District of Nevada and by depositing a true and correct copy of same, enclosed in a sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail in Las Vegas, Nevada, addressed as follows:

NAME	TEL., FAX & E-MAILS	PARTY REPRESENTING
Richard A. Harris, Esq. Christian Z. Smith, Esq. Richard Harris Law Firm 801 South Fourth Street Las Vegas, Nevada 89101	Tel.: (702) 444-4444 Fax: (702) 444-4455  E-Mail: <a href="mailto:christian@richardharrislaw.com">christian@richardharrislaw.com</a>	Plaintiff, Raymond Lester Smith

  
An employee of THORNDAL, ARMSTRONG,  
DELK, BALKENBUSH & EISINGER



**THORNDAL  
ARMSTRONG**  
DELK BALKENBUSH & EISINGER

A PROFESSIONAL CORPORATION

ATTORNEYS

[www.thorndal.com](http://www.thorndal.com)

**EXHIBIT A**

Electronically Filed  
6/23/2021 3:34 PM  
Steven D. Grierson  
CLERK OF THE COURT



**COMP**

RICHARD A. HARRIS, ESQ.

Nevada Bar No. 000505

CHRISTIAN Z. SMITH, ESQ.

Nevada Bar No. 8266

**RICHARD HARRIS LAW FIRM**

801 South Fourth Street

Las Vegas, Nevada 89101

Telephone: (702) 444-4444

Facsimile: (702) 444-4455

Email: christian@richardharrislaw.com

*Attorneys for Plaintiff*

CASE NO: A-21-836815-C

Department 8

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RAYMOND LESTER SMITH, individual

Plaintiff,

vs.

AMIR KENNEDY, individually, CHAPAR,  
LLC DOES 1-20 and ROE BUSINESS  
ENTITIES 1-20, inclusive,

Defendants.

CASE NO.  
DEPT. NO.

**PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL**

COMES NOW, Plaintiff, RAYMOND LESTER SMITH, individually, by and through his attorneys, RICHARD HARRIS LAW FIRM, and for Plaintiff's causes of action against Defendants, and each of them, alleges as follows:

1. That at all times relevant herein, Plaintiff, RAYMOND LESTER SMITH ("Mr. Smith") was and is a resident of Oklahoma City, Oklahoma.

2. That at all times relevant herein, Defendant, AMIR KENNEDY ("Mr. Kennedy") was and is a resident of Clark County, Nevada.

3. That at all times relevant herein, Defendant, CHAPAR, LLC ("Chapar") was and is a limited liability company domiciled and registered to do business in the State of Nevada and was the registered owner of the 2015 Red Freightliner.





1           4. Pursuant to NRCP 10(a) and Nurenberger Hercules-Werke GMBH v. Virostek, 107  
2 Nev. 873, 822 P.2d 1100 (1991), the identity of resident and non-resident defendants designated  
3 herein as DOES I through X, and ROE CORPORATIONS I through X, are presently unknown to  
4 Plaintiff. Upon information and belief these DOE and ROE defendants, and each of them, were  
5 involved in the initiation, approval, support, or execution of one or more of the wrongful acts or  
6 omissions upon which this action is premised, or of similar actions directed against Plaintiff about  
7 which Plaintiff is presently unaware, and which directly and proximately caused injury and damages  
8 to Plaintiff, including but not limited to: unreasonably owning, maintaining, operating, entrusting,  
9 or repairing any vehicle that caused injury to Plaintiff. ROE and DOE defendants also include but  
10 are not limited to: a) presently unknown employers of defendant(s) who are responsible for the acts  
11 of their employees under NRS 41.745, or under the doctrine of *respondeat superior*; b) owners of the  
12 defendant's vehicle who are liable under NRS 41.440, or the family purpose doctrine; c) persons  
13 involved in the design, manufacturer distribution and placement into the stream of commerce of an  
14 unreasonably dangerous and unfit product that caused damages to Plaintiff, and which persons are  
15 strictly liable under products liability law; and, d) known witnesses whose culpability is not known  
16 at this time but may be made known once true facts are learned. As the specific identities of these  
17 parties are revealed through discovery, the DOE or ROE appellation will be replaced to identify these  
18 parties by their true names and capacities. Hereinafter reference to Defendant or Defendants includes  
19 DOES and ROES and each of them.  
20  
21

22           5. That upon information and belief, Defendants, inclusive of DOES and ROES, and  
23 each of them, at all relevant times, were the owner, partner, servant, officer, agent, employer and/or  
24 employee of the other, and each of them, and were at all relevant times acting within the scope and  
25 performance of said partnership, agency, master/servant, and employment relationship.  
26  
27  
28



1           6.       That on or about January 11, 2020, Mr. Smith was driving a 2008 Black Dodge Ram  
2 and was traveling on SE 89<sup>th</sup> Street in Oklahoma City, Oklahoma in the innermost right-hand lane  
3 with the stated purpose of turning right onto the I-35 service road.

4           8.       At that time and place, Mr. Kennedy, who was driving a 2015 Red Freightliner owned  
5 and registered to Chapar, was also traveling on SE 89<sup>th</sup> Street in Oklahoma City, Oklahoma in the  
6 travel lane to the left of Mr. Smith's vehicle.

7           9.       At that time and place, Mr. Kennedy failed to activate his right turn signal and  
8 proceeded to make a right-hand turn from his travel lane with the stated purpose of turning onto the  
9 I-35 service road.  
10

11          10.      At that time and place, Mr. Kennedy failed to exercise due care which resulted in the  
12 right side of the 2015 Red Freightliner striking Mr. Smith's vehicle.

13          11.      Chapar is liable to Mr. Smith under the doctrine of respondeat superior as set forth  
14 under NRS 41.130 because Mr. Kennedy was acting in the course and scope of his employment with  
15 Chapar when the alleged tortious conduct occurred causing severe personal injury and damages to  
16 Mr. Smith.  
17

18          12.      Defendants' negligence directly and proximately resulted in physical injuries to  
19 Plaintiff.

20          13.      The physical injuries and damage to Plaintiff, which may be permanent disabling in  
21 nature, have caused and may continue to cause him significant pain and suffering.

22          14.      As a result of the above-mentioned injuries, Plaintiff has been required, and may yet  
23 be required to seek medical care and treatment.  
24

25          15.      Plaintiff's injuries have caused him and may yet continue to cause him to experience  
26 significant suffering.

27          16.      As a result of the above-mentioned negligence, Plaintiff incurred property damage to  
28 her vehicle.

1           17. That as a direct and proximate result of the acts and omissions of Defendants, and  
2 each of them, Plaintiff has lost income and earning capacity, and upon information and  
3 belief such damages will continue in the future, all to Plaintiff's damage in a presently  
4 unascertainable amount.

5           18. Plaintiffs' harms and losses, to be fully set forth and proven at trial, were proximately  
6 caused by the negligence of Defendants.

7           19. As a direct and proximate result of Defendants' negligence as described herein,  
8 Plaintiff has been required to retain the services of an attorney, and therefore, is entitled to recover  
9 reasonable attorney fees, costs of suit, and pre-and post-judgment interest, as applicable.  
10

11           WHEREFORE, Plaintiff, expressly reserving the right to amend this Complaint at the time of  
12 trial to include all items of damages not yet ascertained, demands judgment against Defendants, and  
13 each of them, as follows:

- 14           1. General damages in an amount excess of \$15,000.00;
- 15           2. Damages for costs of medical care and treatment, past and future;
- 16           3. Damages for property damage;
- 17           4. Damages for loss of income and earning capacity, past and future;
- 18           5. Prejudgment interest, attorney's fees, and costs of suit incurred herein;
- 19           6. For trial by a jury; and
- 20           7. For such other and further relief as the Court may deem just and proper.  
21

22           DATED this 23rd day of June, 2021.

23  
24           **RICHARD HARRIS LAW FIRM**

25           */s/ Christian Z. Smith*

26           By \_\_\_\_\_  
27           CHRISTIAN Z. SMITH, ESQ.  
28           Nevada Bar No. 8266  
              801 South Fourth Street  
              Las Vegas, Nevada 89101  
              Attorneys for Plaintiff





**THORNDAL  
ARMSTRONG**  
DELK BALKENBUSH & EISINGER

A PROFESSIONAL CORPORATION

ATTORNEYS

[www.thorndal.com](http://www.thorndal.com)

**EXHIBIT B**

Electronically Filed  
8/4/2021 2:20 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 RICHARD A. HARRIS, ESQ.  
Nevada Bar No. 000505  
2 CHRISTIAN Z. SMITH, ESQ.  
Nevada Bar No. 8266  
3 **RICHARD HARRIS LAW FIRM**  
801 South Fourth Street  
4 Las Vegas, Nevada 89101  
Telephone: (702) 444-4444  
5 Facsimile: (702) 444-4455  
Email: christian@richardharrislaw.com  
6 *Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 RAYMOND LESTER SMITH, individual

CASE NO. A-21-836815-C  
DEPT. NO. 8

10 Plaintiff,

11 vs.

12 AMIR KENNEDY, individually, CHAPAR,  
13 LLC DOES 1-20 and ROE BUSINESS  
ENTITIES 1-20, inclusive,

14 Defendants.  
15

16 **AFFIDAVIT OF SERVICE**

17 **(CHAPAR, LLC)**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



## AFFIDAVIT OF SERVICE

<b>Case:</b> A-21-836815-C	<b>Court:</b> EIGHTH JUDICIAL DISTRICT COURT	<b>County:</b> CLARK COUNTY, NV	<b>Job:</b> 5879597
<b>Plaintiff / Petitioner:</b> Raymond Lester Smith		<b>Defendant / Respondent:</b> Amir Kennedy and Chapar, LLC	
<b>Received by:</b> Serve Vegas LLC		<b>For:</b> RICHARD HARRIS LAW FIRM	
<b>To be served upon:</b> Chapar, LLC			

I, Deyber Jimenez, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Al Sobrani, 10072 Delicate Dew St, Las Vegas, NV 89183

**Manner of Service:** Substitute Service - Usual place of abode, Jul 20, 2021, 7:00 pm PDT

**Documents:** Complaint, Summons

**Additional Comments:**

1) Unsuccessful Attempt: Jul 9, 2021, 7:18 pm PDT at Corporate: 706 Honeybee Court, Henderson, NV 89002  
No answer, no activity, no cars on property.

2) Unsuccessful Attempt: Jul 10, 2021, 11:19 am PDT at Corporate: 706 Honeybee Court, Henderson, NV 89002  
No answer, no activity, a black Mazda CX-5 nv #054-M28

3) Unsuccessful Attempt: Jul 13, 2021, 6:54 pm PDT at Corporate: 706 Honeybee Court, Henderson, NV 89002  
Still no answer, no activity, no cars on property

4) Unsuccessful Attempt: Jul 14, 2021, 1:16 pm PDT at Corporate: 706 Honeybee Court, Henderson, NV 89002  
Still no answer, no activity, no cars on property, no answer at next door neighbor

5) Unsuccessful Attempt: Jul 15, 2021, 6:55 pm PDT at Corporate: 706 Honeybee Court, Henderson, NV 89002  
I found a black Mercedes from the other attempt on driveway, at front door I spoke with a female who told me that the subject doesn't live at this property, and that no one here is related to the company

6) Unsuccessful Attempt: Jul 17, 2021, 10:08 am PDT at 10072 Delicate Dew St, Las Vegas, NV 89183  
No answer, no activity, no cars on property.

7) Successful Attempt: Jul 20, 2021, 7:00 pm PDT at 10072 Delicate Dew St, Las Vegas, NV 89183 received by Co-resident Al Sobrani. Age: 50; Ethnicity: Middle Eastern; Gender: Male; Weight: 190; Height: 5'10"; Hair: Gray; Other: Mr Sobrani Told me that Seyed is out on the road driving his truck, this is his residence, he will pass the documents asap.

7/22/21, 9:04 am

702-888-4752: Received call back from registered agent, Seyed Kennedy who confirmed he did receive the documents left with Al Sobrani.

I declare under penalty of perjury that the foregoing is true and correct.



07/22/2021

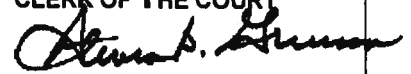
---

Deyber Jimenez  
R-063775

Date

Serve Vegas LLC  
9811 W. Charleston Blvd 2-732  
Las Vegas, NV 89117  
702-209-2140

Electronically Filed  
8/4/2021 2:20 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 RICHARD A. HARRIS, ESQ.  
Nevada Bar No. 000505  
2 CHRISTIAN Z. SMITH, ESQ.  
Nevada Bar No. 8266  
3 **RICHARD HARRIS LAW FIRM**  
801 South Fourth Street  
4 Las Vegas, Nevada 89101  
Telephone: (702) 444-4444  
5 Facsimile: (702) 444-4455  
Email: christian@richardharrislaw.com  
6 *Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 RAYMOND LESTER SMITH, individual

CASE NO. A-21-836815-C  
DEPT. NO. 8

10 Plaintiff,

11 vs.

12 AMIR KENNEDY, individually, CHAPAR,  
13 LLC DOES 1-20 and ROE BUSINESS  
ENTITIES 1-20, inclusive,

14 Defendants.  
15

16 **AFFIDAVIT OF SERVICE**

17 **(AMIR KENNEDY)**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



## AFFIDAVIT OF SERVICE

<b>Case:</b> A-21-836815-C	<b>Court:</b> EIGHTH JUDICIAL DISTRICT COURT	<b>County:</b> CLARK COUNTY, NV	<b>Job:</b> 5879587
<b>Plaintiff / Petitioner:</b> Raymond Lester Smith		<b>Defendant / Respondent:</b> Amir Kennedy and Chapar, LLC	
<b>Received by:</b> Serve Vegas LLC		<b>For:</b> RICHARD HARRIS LAW FIRM	
<b>To be served upon:</b> Amir Kennedy			

I, Deyber Jimenez, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Al Sobrein, 10072 Delicate Dew St, Las Vegas, NV 89183

**Manner of Service:** Substitute Service - Usual place of abode, Jul 20, 2021, 7:04 pm PDT

**Documents:** Complaint, Summons

**Additional Comments:**

1) Unsuccessful Attempt: Jul 9, 2021, 7:17 pm PDT at 706 Honeybee Ct, Henderson, NV 89002

No answer, no activity, no cars on property.

2) Unsuccessful Attempt: Jul 13, 2021, 6:57 pm PDT at 706 Honeybee Ct, Henderson, NV 89002

Still no answer, no activity, no cars on property

3) Unsuccessful Attempt: Jul 13, 2021, 6:57 pm PDT at 706 Honeybee Ct, Henderson, NV 89002

Still no answer, no activity, no cars on property

4) Unsuccessful Attempt: Jul 14, 2021, 1:18 pm PDT at 706 Honeybee Ct, Henderson, NV 89002

Still no answer, no activity, no cars on property, no answer at next door neighbor

5) Unsuccessful Attempt: Jul 15, 2021, 6:57 pm PDT at 706 Honeybee Ct, Henderson, NV 89002

I found a black Mercedes from the other attempt on driveway, at front door I spoke with a female who told me that the subject doesn't live at this property, and that no one here is related to the company

6) Unsuccessful Attempt: Jul 17, 2021, 10:06 am PDT at 10072 Delicate Dew St, Las Vegas, NV 89183

No answer, no activity, no cars on property.

7) Successful Attempt: Jul 20, 2021, 7:04 pm PDT at 10072 Delicate Dew St, Las Vegas, NV 89183 received by Co-resident Al Sobrein. Age: 50;

Ethnicity: Middle Eastern; Gender: Male; Weight: 190; Height: 5'10"; Hair: Gray; Other: Mr Sobrein told me that Seyed is out on the road driving his truck, this is his residence, he will pass the documents asap;

I declare under penalty of perjury that the foregoing is true and correct.



07/20/2021

Deyber Jimenez  
R-063775

Date

Serve Vegas LLC  
9811 W. Charleston Blvd 2-732  
Las Vegas, NV 89117  
702-209-2140